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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,998	01/03/2002	Anthony Dezonno	6065-83768	6597

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EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
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2457

MAIL DATE	DELIVERY MODE
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08/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/037,998	Applicant(s) DEZONNO ET AL.	
	Examiner YVES DALENCOURT	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/08/2009 has been entered.

Response to Amendment

The Examiner has acknowledged the amended claims 1, 8, 15, 22, and 34. The objection of claim 8 and the rejection of claims 1, 15, and 29 under 35 U.S.C. 112 paragraph have been withdrawn.

Response to Arguments

Applicant's arguments with respect to claim 1 – 7, 12 – 21, and 29 - 34 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument (page 14) that Landsman does not disclose the shared files generated by the requester's browser and retrieved to the agent website. The Examiner contends that Landsman reads on the claimed language.

Claim Objections

Claim 1 objected to because of the following informalities: It is suggested to modify the step of “a processor automatically recovering and analyzing browser associated information relating to the request prior to human agent assignment” since this is a method step claim. The added term “a processor” needs to be placed at the end of the limitation such as --- human agent assignment by using a processor or a computer --- Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 7, 15 – 21, and 29 - 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Yevgenly Petrovykh (US 2008/0071917; hereinafter Petrovykh).

Regarding claim 1, Petrovykh discloses a method of establishing communication sessions through the Internet (figs. 1 - 11), such method comprising: receiving a request from an Internet requester by a website for a communication session with a human agent of the website (paragraphs [0071 – 0072], [0102], and [0126]); a processor automatically recovering and analyzing browser associated information relating to the

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request (paragraphs [0085], [0087], and 0189]); and selecting a human agent for the communication session based upon a content of the analyzed browser associated information (paragraphs [0168] and [0189]).

Regarding claim 2, Petrovykh discloses the method of establishing communication sessions as in claim 1 wherein the step of analyzing browser associated information further comprises retrieving a list of router identifiers defining a path from the Internet requester to the website (paragraphs [0126] and [0176]).

Regarding claim 3, Petrovykh discloses the method of establishing communication sessions as in claim 2 further comprising identifying a locale of an IP packet router in a closest relative location to the requester (paragraph [0036]).

Regarding claim 4, Petrovykh discloses the method of establishing communication sessions as in claim 3 wherein the step of selecting the agent further comprises identifying an agent in the identified locale of the closest relative router (paragraph [00120], 0126], and 0168]).

Regarding claim 5, Petrovykh discloses the method of establishing communication sessions as in claim 4 wherein the step of analyzing browser associated information further comprises determining an organizational affiliation of the requester from a domain name of the request (paragraphs [0083 - 0085]).

Regarding claim 6, Petrovykh discloses the method of establishing communication sessions as in claim 5 wherein the step of selecting an agent further comprises retrieving a list of agents qualified to service communication sessions with the determined organization (paragraphs [0168] and [0189]).

Regarding claim 7, Petrovykh discloses the method of establishing communication sessions as in claim 6 further comprising transferring a URL of the requester to the selected agent (paragraph [0072]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8 – 11, 22 – 28, and 35 - 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovykh et al (US 2002/0161896; hereinafter Petrovykh) in view of Landsman et al (US 6,785,659; hereinafter Landsman).

Regarding claim 8, Petrovykh discloses substantially all the limitations in claim 1, but fails to specifically disclose the step of making available to the website a set of shared files from a browser of the requester.

However, Landsman shows in an analogous art, the step of making available to the website a set of shared files generated by a browser of the requester (col. 11, lines 1 – 7; col. 19, lines 22 - 46).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Petrovykh by incorporating the step of retrieving a set of shared files from a browser of the requester as evidenced by Landsman for the purpose of quickly and reliably rendering the files with essentially no downloading delay, thus providing a highly pleasing user experience with requesting rich media files.

Regarding claim 9, Petrovykh and Landsman show all the limitations in claim 8, and Landsman further shows the step of detecting a set of file extension of the shared files (col. 19, lines 22 - 67). The motivation for claim 8 also applies for claim 9.

Regarding claim 10, Petrovykh and Landsman show all the limitations in claim 9, and Landsman further shows the step of comparing the file extensions with a communications capability index (col. 11, lines 1 – 7; col. 19, lines 22 - 46). The motivation for claim 8 also applies for claim 10

Regarding claim 11, Petrovykh and Landsman show all the limitations in claim 10, and Petrovykh further shows the step of selecting the agent further comprises

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searching for an agent with a communication capability index substantially equal to the requester (paragraphs [0168] and [0189]).

Regarding claim 12, Petrovykh and Landsman show all the limitations in claim 8, and Landsman further shows the step of detecting a URL of a competitor (See col. 20, lines 56-63)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47).

Regarding claim 13, Petrovykh and Landsman show all the limitations in claim 12, and Landsman further shows that the competitor further comprises an identifier of a webpage of a specific product of the competitor ((See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47)).

Regarding claim 14, Petrovykh and Landsman show all the limitations in claim 13, and Petrovykh further shows the step of selecting the agent further comprises searching for an agent with knowledge of the specific product of the competitor (paragraphs [0168] and [0189]).

Claims 15 – 38 incorporate substantially all the limitations of claims 1 – 14 in apparatus form, rather than in method form. The rejections of claims 1 – 14 apply to claims 15 – 38. Thus, claims 15 – 38 are rejected substantially for the same reasons.

Contact Information

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to YVES DALENCOURT whose telephone number is (571)272-3998. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457